

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 CV 112**

**SHAYE SMITH,**

**Plaintiff,**

**Vs.**

**CLEVELAND COUNTY, DIVISION  
OF SOCIAL SERVICES; KAREN  
ELLIS, in her official capacity as  
Director of Cleveland County Social  
Services; TAMARA HARDIN, in her  
official capacity with Cleveland  
County Division of Social Services; and  
DANTE MURPHY, in his official  
capacity as Social Worker with the  
Cleveland County Division of Social  
Services,**

**Defendants.**

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**ORDER**

**THIS MATTER** comes before the court pursuant to an Order (#7) entered by the court directing counsel for the plaintiff, John Locke Milholland IV and Jared E. Stone, appear before the undersigned on August 16, 2010 to show why they had failed to comply with the orders of the Clerk of Court. On August 9, 2010 Mr. Milholland filed a Response(#9) to the Order of the court. In the response, Mr. Milholland has shown cause for not complying with the orders of the court. In his response, Mr. Milholland has shown he has taken action to be admitted to practice in the Western District of North Carolina and further action to show he is going to receive training

and register for ECF training so he can become ECF compliant. In his response, Mr. Milholland has further shown cause for the failure of Mr. Stone to respond to the orders of the Clerk of this court. Based upon such showing, the undersigned has determined to cancel the hearing set for this matter for August 16, 2010. The undersigned would suggest to counsel for plaintiff that they read the Rules of Practice and Procedure for the United States District Court for the Western District of North Carolina in their entirety so they can be prepared to effectively represent their client in this court.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the hearing set in the previous Order (#7) of this court is hereby for cause **CANCELLED**.

Signed: August 12, 2010

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Dennis L. Howell  
United States Magistrate Judge

